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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,914	08/20/2001	Nikolai K.N. Leung	010439	7752

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EXAMINER	
GELIN, JEAN ALLAND	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/933,914	LEUNG ET AL.	
	Examiner	Art Unit	
	Jean A. Gelin	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the Applicant's arguments filed on April 04, 2006 in which claims 1-11 are currently pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 3-4 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 3-4 are directed to signal that is not a physical embodiment. To be a statutory claim, the claimed subject matter must convey a process, machine, manufacture, or composition of matter, which are not the characteristic of a communication signal.

The claims have been amended to add the phrase "a method of". However the added phrase does not overcome the 101 rejection because the claims are still directed to a non-tangible embodiment. Furthermore the method steps are not in the claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 3-4 are rejected under 35 U.S.C. 102(a) as being anticipated by Gagnon et al. (EP 1 024 661 A2).

Regarding claim 3, Gagnon teaches a communication signal transmitted on a carrier wave (i.e., broadcasting video over the air, col. 10, lines 45-55), the signal comprising: a broadcast session portion (i.e., broadcasting video, col. 6, lines 25-39, col. 29, line 39 to col. 31, line 57); wherein the SDP provides information for processing the broadcast session (i.e., providing information including actions to be taken on receipt of the information, col. 29, line 39 to col. 30, line 57).

Gagnon further teaches a session description protocol message (SDP message) interleaved with the broadcast session portion (i.e., actions to be taken on receipt of the information interleaves with the standard field of the SDP protocol that includes various types of information such as video/audio signals, session identifier, the name of the SDP session, list of Intenet WebPages, col. 29, line 39 to col. 30, line 57).

Regarding claim 4, Gagnon further teaches wherein the signal is transmitted via a broadcast transmission channel (col. 8, line 53 to col. 9, line 11).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 2, 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gagnon et al. (EP 1 024 661 A2) in view of Quick Jr. (5,673,259).

Regarding claim 1, Gagnon teaches in a wireless communication system supporting a broadcast service (i.e., system that broadcast video or multimedia data over the air, col. 10, lines 45-55), a method comprising: transmitting a broadcast session on a broadcast transmission channel (i.e., the broadcast session is video programming or multimedia data, col. 10, lines 45 to col. 11, line 17).

Gagnon further teaches "transmitting broadcast overhead information" interleaved with the broadcast session on the broadcast transmission channel (corresponding to col. 11, line 46 to col. 12, line 26, wherein the transmission of packet data, the packetized data stream includes a header that identifies the contents of data packet (audio/video programming) (i.e., the header that identifies the content is included in the broadcast signal). In another word, the header interleaved with the audio and video programming.

Gagnon does not explicitly teach wherein the broadcast overhead information provides information for processing the broadcast session.

However, the preceding limitation is known in the art of communications. Quick Jr. teaches broadcasting system overhead information wherein the information is interleaved with paging and control message on a broadcast channel; the overhead information is sent by the base station to control parameter, and a processor to process message and switch from one channel to another based on bandwidth demand (col. 4, lines 39-61, col. 11, lines 10-20, and col. 15, lines 26-44). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the technique of Quick Jr. within the system of Gagnon in order that when

the bandwidth demand of the user exceeds the first threshold, the processor switches the user from the random access channel to the traffic channel.

Regarding claim 2, Gagnon in view of Tsukamoto teaches all the limitations above. Gagnon further teaches wherein the broadcast packetized data, which includes the header information is a session description protocol message containing information for processing the broadcast session, and wherein the session description protocol message is interleaved with broadcast content of the broadcast session (col. 30, line 4 to col. 31, line 57).

Regarding claims 5, 7, Gagnon teaches in a wireless communication system supporting a broadcast service (i.e., system that broadcast video or multimedia data over the air, col. 10, lines 45-55), a method comprising: accessing a broadcast session on a broadcast channel; and processing the broadcast session using the SDP message (col. 29, line 39 to col. 30, line 57).

Gagnon further teaches receiving a session description protocol (SDP) message interleaved to the broadcast session on the broadcast channel (corresponding to session description protocol (SDP) are periodically broadcast or periodically receive, col. 13, line 49 to col. 14, line 12), the standard field of the SDP protocol includes various types of information such as video/audio signals, session identifier, the name of the SDP session, list of Intenet WebPages that can provide additional information, col. 29, line 39 to col. 30, line 57).

Gagnon does not explicitly teach wherein the broadcast overhead information provides information for processing the broadcast session.

However, the preceding limitation is known in the art of communications. Quick Jr. teaches broadcasting system overhead information wherein the information is interleaved with paging and control message on a broadcast channel; the overhead information is sent by the base station to control parameter, and a processor to process message and switch from one channel to another based on bandwidth demand (col. 4, lines 39-61, col. 11, lines 10-20, and col. 15, lines 26-44). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the technique of Quick Jr. within the system of Gagnon in order that when the bandwidth demand of the user exceeds the first threshold, the processor switches the user from the random access channel to the traffic channel.

Regarding claim 6, Gagnon in view of Quick, Jr. teaches all the limitations above. Gagnon further teaches wherein the SDP message is interleaved with broadcast content of the broadcast session (col. 30, lines 4-32).

Regarding claim 8, Gagnon in view of Quick, Jr. teaches all the limitations above. Gagnon further teaches means for receiving header compression information (col. 29, line39-42).

Regarding claim 9, Gagnon in view of Quick, Jr. teaches all the limitations above. Gagnon further teaches memory storage adapted to store the SDP corresponding to a plurality of broadcast sessions, wherein the SDP of each of the plurality of broadcast sessions is updated when the corresponding broadcast session is accessed (col. 29, line 39 to col. 30, line 54).

Regarding claim 10, Gagnon in view of Quick, Jr. teaches all the limitations above. Gagnon further teaches wherein the memory storage is a cache memory (i.e., SDP+ records various information that can use in the system, col. 30, lines 24-32).

Regarding claim 11, Gagnon in view of Quick, Jr. teaches all the limitations above. Gagnon further teaches wherein the memory storage is a look up table (col. 31, lines 17-25).

Response to Arguments

7. Applicant's arguments filed 11/04/05 have been fully considered but they are not persuasive.

As per claims 3 and 4, the Applicant argues with substance that Gagnon does not teach a session description protocol message (SDP message) interleaved with the broadcast session, wherein the SDP message provides information for processing the broadcast session. In distinct contrast, Gagnon transmits information that is used to build a structure independent of the processing of the broadcasting session and so on. However, the Examiner disagrees with the preceding assertion. The claims are broad enough to read on the Gagnon's reference. The Examiner interprets the claims as follow: transmission of video and audio programming (i.e., multiples session) to receivers correspond to broadcast session, see paragraph 31 and paragraphs 83-88); a session description protocol message (SDP message) interleaved with the broadcast session, wherein the SDP message provides information for processing the broadcast

session is read on Gagnon's reference wherein the SDP + record are periodically broadcast by the transmission station (corresponding to broadcast SDP), and processed by the receiver station clearly the SDP + records interleaved the broadcast file data. The SDP message includes a number of fields, which are assembled into a single record or file to provide information on available services (corresponding to SDP message assembled or interleaved with broadcast session, paragraphs 36 and 83-88).

The Applicant further argues that providing a program guide to aid in broadcast session selection does not disclose a SDP message interleaved with the broadcast session. However, the Examiner maintains that Gagnon further discloses broadcasting SDP message to all subscribers, and the SDP message includes text messages, images, run command, and filed data such as still pictures and moving video clips (corresponding to SDP message interleaved with the broadcast session). Therefore, the rejection is maintained and is made final.

As per claim 1, 2, and 5-11, the Applicant argues both Gagnon and Quick Jr. reference are silent regarding information that is interleaved with the broadcast session, wherein the overhead information provides information for processing the broadcast session. The Applicant further argues the propose combination does not teach the claimed invention. However, the Examiner disagrees with the preceding argument. Gagnon teaches all the limitations recited above Quick Jr. further teaches broadcasting system overhead information wherein the information is interleaved with paging and control and processing the message based on bandwidth demand. Gagnon further discloses in paragraph 31 receiving video and audio programming along with data

signals, the data service source **and** the program guide data source are sent to the video/audio/data encoding system where they are encoded into information data streams then combined into packetized data stream or bitstream which includes overhead that identifies the contents of the data packet (corresponding to information that is interleaved with the broadcast session, wherein the overhead information provides information for processing the broadcast session). The Examiner believes that the claims as presented are broad enough to read on Gagnon and Quick Jr. Therefore, the rejection is maintained, and is made final.

In the amendment filed on April 06, 2006, it appears that claim 11 has been inadvertently omitted.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Banks-Harold Marsha can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JGelin
June 21, 2006

JEAN GELIN
PRIMARY EXAMINER